

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re	:	Chapter 11 Case No.
	:	
LEHMAN BROTHERS HOLDINGS INC., et al.,	:	08-13555 (JMP)
	:	
Debtors.	:	(Jointly Administered)
	:	
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**JOINT STIPULATION REGARDING AUTHENTICITY AND ADMISSIBILITY
OF DOCUMENTS AND DESIGNATED DEPOSITION TESTIMONY IN
CONNECTION WITH DEBTORS' OMNIBUS OBJECTIONS TO PROOFS OF CLAIM**

RECITALS

A. Between December 7, 2010 and August 24, 2012, Lehman Brothers Holdings Inc. (“LBHI”) and certain affiliated Debtors, as debtors and debtors in possession herein (collectively, the “Debtors”), and LBHI as Plan Administrator (the “Plan Administrator”), under the *Modified Third Amended Joint Chapter 11 Plan of Lehman Brothers Holdings Inc. and Its Affiliated Debtors* (the “Plan”) for certain entities in the above-referenced chapter 11 cases, filed fourteen Omnibus Objections to Proofs of Claims for bonus or commission compensation during the years 2003 and 2008 as to which many claimants were granted Restricted Stock Units and Contingent Stock Awards (collectively, the “Omnibus Objections”).¹ The Omnibus Objections seek to reclassify these claims as equity interests and/or subordinate them to the claims of

¹ The Omnibus Objections are: Debtors' Seventy-Third Omnibus Objection to Claims (to Reclassify Proofs of Claim as Equity Interests) [ECF No. 13295]; Debtors' One Hundred Eighteenth Omnibus Objection to Claims (to Reclassify Proofs of Claim as Equity Interests) [ECF No. 15666]; Debtors' One Hundred Thirtieth Omnibus Objection to Claims (to Reclassify Proofs of Claim as Equity Interests) [ECF No. 16115]; Debtors' One Hundred Thirty-First Omnibus Objection to Claims (to Reclassify Proofs of Claim as Equity Interests) [ECF No. 16116]; Debtors' One Hundred Thirty-Third Omnibus Objection to Claims (to Reclassify Proofs of Claim as Equity Interests) [ECF No. 16530]; Debtors' One Hundred Thirty-Fourth Omnibus Objection to Claims (to Reclassify Proofs of Claim as Equity Interests) [ECF No. 16532]; Debtors' One Hundred Thirty-Fifth Omnibus Objection to Claims (to Reclassify Proofs of Claim as Equity Interests) [ECF No. 16808]; Debtors' One Hundred Seventy-Sixth Omnibus Objection to Claims (to Reclassify Proofs of Claim as Equity Interests) [ECF No. 19392]; Debtors' One

general unsecured creditors. The claimants who oppose the Omnibus Objections and still have claims pending on the Omnibus Objections are referred to herein as the “Claimants” and their claims, to the extent subject to the Omnibus Objections, are referred to herein as the “Claims.”

B. On January 24, 2014, the Court entered an Order Establishing Procedures for an Evidentiary Hearing in Connection with Omnibus Objections to Reclassify Proofs of Claim as Equity Interest (ECF No. 42176) (the “Hearing Procedures Order”). The evidentiary hearing is scheduled for April 1, 2014 (ECF No. 41589). The Claimants who are party to this stipulation are the “Represented Participants” other than the “Neuberger Berman Participants,” as defined in paragraphs F and 9(a) of the Hearing Procedures Order (collectively with LBHI, the “Parties”).

C. Paragraph 12 of the Hearing Procedures Order provides that the Parties shall identify the portions of the Rule 30(b)(6) deposition transcript they will likely use at the evidentiary hearing, and thereafter exchange of rebuttal deposition designations and objections. On March 4, 2014, Claimants represented by Stamell & Schager, LLP (“S&S Claimants”) submitted deposition designations to LBHI. On March 11, 2014, LBHI objected to the depositions designations. On March 14, 2014, S&S Claimants submitted supplemental deposition designations in response to LBHI’s objections. *See* Exhibit 1. On March 19, 2014, LBHI submitted rebuttal deposition designations in response to S&S Claimants’ supplemental deposition designations. *See* Exhibit 2. S&S Claimants have no objection to LBHI’s designations.

Hundred Eighty-Fifth Omnibus Objection to Claims (Compound Claims) [ECF No. 19714]; Debtors' Two Hundred Seventh Omnibus Objection to Claims (to Reclassify Proofs of Claim as Equity Interests) [ECF No. 20012]; Three Hundred Thirteenth Omnibus Objection to Claims (to Reclassify Proofs of Claim as Equity Interests) [ECF No. 28433]; Three Hundred Fourteenth Omnibus Objection to Claims (Late-Filed Claims) [ECF No. 28435]; Three Hundred Nineteenth Omnibus Objection to Claims (to Reclassify Proofs of Claim as Equity Interests) [ECF No. 28777]; and the Three Hundred Forty Seventh Omnibus Objection to Claims (to Reclassify Proofs of Claim as Equity Interests) [ECF No. 30357].

D. Paragraph 13 of the Hearing Procedures Order provides that the Parties shall exchange lists of pre-marked exhibits that will likely be used at the evidentiary hearing, and thereafter exchange any objections. On March 11, 2014, the Represented Participants submitted their exhibit list to LBHI and LBHI submitted its exhibit list to the Represented Participants. *See* Exhibits 3 (Represented Claimants' Exhibit List) and 4 (LBHI's Exhibit List). On March 18, 2014, LBHI submitted objections to certain exhibits in the Represented Participants' exhibit list, and the Represented Participants other than the Neuberger Berman Participants are prepared to withdraw such exhibits. The Represented Participants have not submitted any objections to LBHI's exhibit list.

IT IS HEREBY STIPULATED THAT:

1. The Parties agree that the designated parts of the Rule 30(b)(6) deposition transcript will be admitted into evidence without objection. Each party reserves the right to object to the admission into evidence of any other portion of the Rule 30(b)(6) deposition transcript not included in Exhibits 1 and 2.
2. The Represented Participants will withdraw from the exhibit list the exhibits marked "CLX 042", "CLX 043", "CLX044" and "CLX045". The Parties agree that the remaining exhibits listed in Exhibit 3 are authentic copies of the documents described in Exhibit 3.
3. The Parties agree that all of the remaining exhibits listed in Exhibit 3 may be admitted into evidence except for those exhibits marked, "CLX 039" and "CLX 040" (collectively, the "Excluded CLX Exhibits"). LBHI may have relevancy or other objections as to the admissibility of the Excluded CLX Exhibits. Thus, the Parties do not waive, and expressly

reserve, any objection to the relevance, weight, and/or admissibility of the Excluded CLX Exhibits.

4. The Parties agree that the exhibits listed in Exhibit 4 are authentic copies of the documents described in Exhibit 4 and that all of the exhibits listed in Exhibit 4 may be admitted into evidence.

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